

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

**E.H.S.O.C., Inc.**

**Plaintiff,**

**V.**

**HARTFORD UNDERWRITERS'  
INSURANCE COMPANY,**

**Defendant(s).**

**CIVIL ACTION**

**DOCKET NO. 5:24-cv-00214 (FJS/ TWD)**

**NOTICE OF REMOVAL OF DEFENDANT  
HARTFORD UNDERWRITERS' INSURANCE COMPANY**

Defendant Hartford Underwriters' Insurance Company (hereinafter "Removing Defendant"), by and through its undersigned attorneys with this Notice of Removal (hereinafter "Notice"), hereby removes the instant action from the Supreme Court of New York, Onondaga County, Index No. 000551/2024 to the United States District Court for the Northern District of New York, pursuant to 28 U.S.C. § 1332, and in support thereof states as follows:

1. Plaintiff, E.H.S.O.C., Inc. (hereinafter, "Plaintiff"), commenced the above-referenced action by the filing of a Complaint (hereinafter, "Complaint") on or about January 17, 2024. (A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit "A.").

2. This lawsuit arises out of a first-party property insurance claim that Plaintiff, an eye care center, submitted to Removing Defendant for losses it reportedly sustained as a result of a loss that reportedly occurred on or about January 23, 2023. *See* Exhibit "A," ¶¶1, 8-9.

3. Plaintiff effectuated service of the Complaint upon Removing Defendant on January 24, 2024.

**Notice Timely Filed**

4. This Notice is timely because it is filed within thirty (30) days of Removing Defendant's receipt of a "pleading, motion, order or other paper from which it may first be ascertained" that the action is removable. 28 U.S.C §1446(b).

5. Furthermore, this Notice is timely because it is filed within one (1) year of the inception of the matter. 28 U.S.C §1446(c)(1).

6. Pursuant to 28 U.S.C §1446(b), Removing Defendant's deadline for removal is February 23, 2024, and this Notice is timely filed.

### **Citizenship of Parties**

7. Upon information and belief and at all times relevant herein, including both the time of the Incident and the time of the filing of the instant Notice, Plaintiff was incorporated or maintained its principal place of business in Syracuse, New York.

8. In its Complaint, Plaintiff alleges that Removing Defendant "was and is a Kentucky Corporation." *See* Exhibit "A," ¶5.

9. A corporation "shall be deemed to be a citizen of every State [in] which it has been incorporated and of the State . . . where it has its principal place of business." 28 U.S.C. §1332(c)(1).

10. Given the foregoing, complete diversity exists between Plaintiff (New York) and Removing Defendant (Kentucky), satisfying the requirements of 28 U.S.C. §1332(a)(1).

### **Amount in Controversy**

11. The amount in controversy in the instant matter is above \$75,000.

12. While Plaintiff's Complaint does not specify an exact amount of damages it is claiming in this litigation, Plaintiff provided Removing Defendant with a Sworn Statement in Proof of Loss, a copy of which is attached as Exhibit "B" to this Removal which document

establishes that the amount of damages Plaintiff seeks compensation for is in excess of \$75,000 thereby satisfying the amount in controversy requirement of 28 U.S.C. §1332(a).

**Conclusion**

13. For the reasons set forth above this action is properly removed to this Honorable Court by the Removing Defendant pursuant to 28 U.S.C. § 1332.

14. Removal to this Honorable Court is proper insofar as this case was initially brought in a state court within the geographical area of the United States District Court for the Northern District of New York. 28 U.S.C. §1441(a).

15. Removing Defendant has given written notice of the filing of this Notice pursuant to 28 U.S.C. §1446(d), by filing this Notice with the Supreme Court of New York, County of Onondaga, and by giving written notice to Plaintiff.

16. All pleadings, process, orders and other filings in the State Court action are attached to this Notice as required by 28 U.S.C. §1441(a).

WHEREFORE, Defendant, Hartford Underwriters' Insurance Company, by and through its attorneys, via this Notice of Removal, hereby removes the instant action from the Supreme Court of New York, County of Onondaga, Index No. 000551/2024 to the United States District Court for the Northern District of New York, pursuant to 28 U.S.C. § 1332.

**MORGAN, AKINS & JACKSON PLLC**



BY:

Dated: February 12, 2024

C. SCOTT RYBNY, ESQUIRE

*Admission Pending*

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